

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

Benton Crossing Landfill

SWIS No. 26-AA-0004

March 5, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the Mono County Department of Environmental Health Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a revised Solid Waste Facilities Permit (SWFP) for the Benton Crossing Landfill, SWIS No. 26-AA-0004, located in Mono County and owned by the City of Los Angeles Department of Water and Power (LADWP), and operated by the Mono County Department of Public Works. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on January 15, 2013. Action must be taken on this permit no later than March 16, 2013. If no action is taken by March 16, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

Benton Crossing Landfill	Current Permit April 2005	Proposed Permit
Permitted Hours of Operation	7:30 a.m. – 5:30 p.m. 7 days/week Holidays: New Year's Day, President's Day, Memorial Day, July 4 th , Labor Day, Thanksgiving, Christmas	(Receipt of Refuse/Waste) See Condition 17.N. (Ancillary Operations/Facility Operating Hours) See Condition 17. N.
Acreage	145.06 Boundary 71.51 Disposal	147.55 Boundary 70.62 Disposal
Maximum Elevation	6951' MSL	6961' MSL
Maximum Depth	20' BGS	6865' MSL

Other Changes include:

1. References updated documents that authorize landfill activities (Section 15).
2. Adds alternative daily cover (ADC) accounting requirement to Self-Monitoring (Section 16).
3. Adds condition l. - limiting area of disposal as described in the RDSI (at request of landowner) (Section 17).
4. Adds condition m. - salvaging shall occur as described in the RDSI (Section 17).

5. Adds condition n. – “Hours of operation vary seasonally and are generally daylight hours. Hours are described in the RDSI and will not exceed the hours of operation evaluated in the CEQA analysis.”

Key Issues

The proposed permit will allow for the following:

The revised proposed permit corrects acreage differences between the waste footprint in the current permit and the actual waste footprint. The property boundary is increasing to incorporate the existing gas monitoring system.

Background

The Benton Crossing Landfill, outside the town of Mammoth Lakes, has been permitted as a municipal solid waste disposal site since 1973.

In 2008, the facility installed perimeter gas monitoring wells to comply with requirements of 27 CCR, Section 20921. After installation, the facility discovered elevated levels of methane at perimeter gas monitoring wells GW-6 and GW-7. An investigation into the elevated gas levels revealed GW-7 was placed in waste that extended beyond the boundary of the facility's permitted waste footprint. The landfill was placed on the Inventory of Facilities that Violate State Minimum Standards on February 27, 2009. On April 10, 2009, the LEA issued the operator a compliance schedule requiring the operator to take the steps necessary to revise the permit and bring the facility into compliance by November 27, 2009. The LEA began facilitating monthly meetings between the LEA, the City of Los Angeles Department of Water and Power (LADWP), the operator (Mono County Public Works Department), and CalRecycle staff. The LEA consulted with these parties in developing and issuing a second compliance schedule to the owner and the operator, dated April 19, 2010, with a final compliance date of February 27, 2011.

The LEA has subsequently amended the compliance schedule to reflect the new timeframes for achieving compliance. CalRecycle has approved these schedules due to the sensitive nature of the negotiations between the owner, operator, and LEA. The most recent compliance schedule was dated September 26, 2012. All the dates for document submittals have been met by the owner and operator.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letters dated December 20, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on September 17, 2012. The LEA provided a copy to the Department on January 15, 2013. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 15, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on December 20, 2012 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated January 16, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in an e-mail dated February 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in an e-mail dated March 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance and corrective action in compliance as described in the memorandum dated March 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in the memorandum dated March 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on January 8, 2013. See	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	compliance history below for details.	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 20, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on January 8, 2013. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on January 8, 2013, and found that the facility is in compliance with applicable state minimum standards with the exemption of a continued violation of 27 CCR, Section 20291 - Gas Monitoring and Control. This long term gas violation is addressed under the current Compliance Order and applicable requirements of 27 CCR, Section 21685(d). This violation will be corrected with the issuance of the permit which will incorporate existing gas wells within the permitted boundary.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 - 12 Violations of 27 CCR Section 20921 – Gas Monitoring and Control
12 Violations of PRC Section 44004(a) – Significant Change
4 Violations of 27 CCR Section 20810 – Vector and Bird Control
3 Violations of 27 CCR Section 21640 – Permit Review
2 Violations of 27 CCR Section 20510 – Records
1 Violation of 27 CCR Section 20830 – Litter Control
- 2011 - 12 violations of PRC Section 44004(a) – Significant Change
12 Violations of 27 CCR Section 20921 – Gas Monitoring and Control
7 Violations of 27 CCR Section 20520– Signs
2 Violations of 14 CCR Section 20830 – Litter Control
1 Violation of 27 CCR Section 20820 – Drainage and Erosion Control
1 Violation of 14 CCR Section 20510 – Records
- 2010 – 11 Violations of PRC Section 44004(a) – Significant Change
11 Violations of T27 CCR Section 20921 – Gas Monitoring and Control
1 Violation of T27 CCR Section 21780 – Closure Plan

1 Violation of PRC Section 44004(b) – Terms and Conditions of the Permit

- 2009 – 9 Violations of PRC Section 44004(a) – Significant Change
11 Violations of 27 CCR Section 20921- Gas Monitoring and Control
3 Violations of 14 CCR Section 18222 – Report of Disposal Site Information
- 2008 – 9 Violations of 27 CCR Section 20830 – Litter Control
6 Violations of 27 CCR Section 20700 – Intermediate Cover
5 Violations of 14 CCR Section 18222 – Report of Disposal Site Information
5 Violations of 27 CCR Section 21780 – Closure plan
5 Violations of 27 CCR Section 20921 – Gas Monitoring and Control
1 Violation of 27 CCR Section 20650 – Daily Cover

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Mono County Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Clarification in operating hours;
- Increase in facility permitted acreage and a decrease in disposal acreage;
- Increase in the maximum Elevation;
- Changes in the unit of measurement for maximum depth.

These changes are supported by the following environmental documents:

An Environmental Impact Report (EIR), State Clearinghouse No. 1998122016, was circulated from September 2, 1999, to October 15, 1999, and was certified by the Lead Agency on August 9, 2005. A revised Supplemental EIR SCH#2004082091 was prepared and certified by the Board of Supervisors in April 2005. A technical addendum to the Supplemental EIR was approved by the Board of Supervisors on March 14, 2012.

The Lead Agency determined, “The operation and expansion of Benton Crossing Landfill would result in no potentially significant environmental effects of the project that are unavoidable and that cannot be reduced to less than significant levels.”

Department staff further recommends the Final Environmental Impact Report, with all other CEQA documents adopted by the LEA, is adequate for the Branch Chief’s environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and/or powers, or which are required to be carried out or approved by the Department.

The Mono County Environmental Health Department has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Environmental Impact Report and Supplemental Impact Report as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project documents' availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on January 8, 2013, at their office in the City of Mammoth Lakes. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 19, 2013.